Heritage Reference Committee Guidelines

INTRODUCTION

Ku-ring-gai Council values the contributions of individuals and community representatives who become members of community reference committees. The major type of committee supported by Council is the Reference Committee. In addition there are other reference groups, technical panels and associations to which Council staff contribute to facilitate open and accountable government.

This document provides a guideline on the responsibilities of the Heritage Reference Committee.

Upon formal approval of a Reference Committee by Council, its members are required to adopt and adhere to the conditions set out in this document.

**Purpose and role:** Provides details of establishment, representation and membership.

**Role of the Committee:** The Heritage Reference Committee provides advice to Council on heritage matters and provides assistance to Council in promoting an understanding and appreciation of heritage through specific activities and events. The objective of the Committee is to conserve the identity of Ku-ring-gai.

**Membership:** The Committee’s membership consists of two (2) Councillors, one (1) community representative who is a resident of Ku-ring-gai and one (1) representative from each of the following organisations:

- National Trust of Australia
- Ku-ring-gai Historical Society
- Royal Australian Institute of Architects (RAIA)

**Quorum:** The quorum consists of a majority of the Committee members, one of whom must be a Councillor.

**Delegation:** No delegation. Recommendations from this Committee may be submitted to the next Ordinary Meeting of Council.

**Meeting Frequency:** As required, to be determined by the Chairperson.

**Voting:** Recommendations are made by a majority vote of Committee representatives.
SECTION 1: PURPOSE AND ROLE OF REFERENCE COMMITTEES

1.1 WHY DOES COUNCIL HAVE REFERENCE COMMITTEES?

Reference Committees provide a mechanism by which interested residents and experts can play an active role in the formulation of council policy, direction and practice. Reference Committees are an important link in Council’s communication strategy with the community and are supported via other community consultative methods.

1.2 DELEGATION OF FUNCTIONS AND DECISION MAKING

Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Under the Reference Committees as outlined no delegated authority has been given to them and therefore they serve to provide recommendations and advice for Council. In other words, Reference Committees do not have the power to make a final determination on any matter referred to them. Their role is to advise on a particular position, or course of action. This advice is then considered by Council in its deliberations on a matter.

1.3 HOW ARE REFERENCE COMMITTEES ESTABLISHED?

Reference Committees are established by a resolution of Council in accordance with section 355(b) of the Local Government Act 1993.

The Committee referred to in this document was established by Council at its meeting on 10 December 2013:

- Heritage Reference Committee.

Prior to establishing a Reference Committee Council will set out the following criteria:

- the terms of reference for the committee;
- the expertise or relevant background which community members should possess;
- the size (minimum and maximum) of the committee;
- quorum requirements;
- frequency of meetings (minimum and regularity);
- any specific interest groups that are to be represented on the committee (eg. government departments, community organisations etc); and
- its term and tenure of members.

1.4 TERMS OF REFERENCE

The Reference Committee will be responsible for providing advice to Council in accordance with the Committee’s Terms of Reference.

1.5 LIMITATION OF POWERS

Reference committees do not have any decision making powers pursuant to section 377 of the Local Government Act 1993.

Reference Committees cannot instruct staff or make decisions for Council. All matters raised by the Committee must either be referred to Council, or to the General Manager, for determination.

The Reference Committees will observe any rules and regulations made by the Council.
1.6 CODE OF CONDUCT

Ku-ring-gai Council has adopted a draft Code of Conduct that is applicable to both elected Councillors and employed staff. This Code of Conduct sets out principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Reference Committees are operating in conjunction with Council, it is important for committee members to be aware of and comply with the contents of this Code of Conduct. The adopted code will form an attachment to this guide. Training on the code will be provided as part of the induction process for all Reference Committee members.

It is the responsibility of the chair of the meeting to inform and take necessary action with respect to the members in relation to this code.

1.7 COUNCIL OBLIGATIONS

In constituting a Reference Committee, Council agrees to:

- give due and proper consideration to all recommendations and suggestions put forward;
- give members feedback on how their recommendations have been used;
- encourage member participation and meeting attendance;
- respond within a reasonable timeframe to requests for relevant information;
- provide administrative resources to assist in the smooth operation of the committee; and
- accurately record and represent the views of the committee.

1.8 MEMBER OBLIGATIONS

As a member of the committee, members agree to:

- attend meetings and participate in discussions;
- adequately review any agenda attachments or documents as required prior to meetings;
- report their views and, where known, those of the Ku-ring-gai community;
- give feedback from meetings to the wider community where possible;
- allow all committee members to present their views and opinions;
- suggest agenda items;
- make suggestions regarding improvements to reference and consultative committees;
- work within the timeframe of the committee charter and structure;
- clearly declare any conflict of interest regarding any issue under discussion;
- maintain confidentiality where appropriate;
- not speak publicly such as to the media on behalf of Council; and
- only maintain membership to one committee at any time.
SECTION 2: MEMBERSHIP OF REFERENCE COMMITTEES

2.1 COUNCILLOR MEMBERSHIP

Two (2) Councillors would be appointed to the Reference Committee. Appointments would be made every 12 months at the same time as the Mayoral election. This would include a chairperson, Deputy Chairperson and two (2) other delegates.

All other Councillors are able to attend Reference Committee meetings.

2.2 COMMUNITY MEMBERSHIP

Community membership will vary according to the committee and its charter, as outlined in section 5. Representatives shall reflect areas such as the objectives and terms of reference of the charter such as expertise, experience, demographics, special interest groups that exist within or are able to contribute to the Reference Committee and relevant government authorities.

Council must appoint all Reference Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may dissolve any Reference Committee or release individual members at any time.

Council may also appoint any new members to a Reference Committee at any time by Resolution of Council.

The term of office for Reference Committees will be two (2) years from the date of Council resolution. At the expiration of two (2) years, members will be asked to renew membership. The renewal of membership would occur automatically unless otherwise determined by the Chairperson. Should the Chairperson wish to change the membership at this or other time, this would then be a matter for Council consideration and resolution.

Notwithstanding the above, membership will cease as determined by a sunset clause, or election of a new Council (refer to section 2.3).

All nominations for appointment to Reference Committees are formally submitted in writing to Council. Applicants would be reviewed against their expertise and experience and ability to contribute to the committee in relation to its objectives and terms of reference.

2.3 DISSOLUTION OF COMMITTEE

The Council may dissolve a Reference Committee at any time.

Committees are formally appointed by the Councillors in office.

At the time of the general election of Councillors, all Reference Committee members will cease to hold office.

All Reference Committee members are eligible for re-appointment. Council will advertise for and receive nominations, unless otherwise decided by Council.

2.4 VACATION OF OFFICE

Membership of the Committee will become vacant in the following circumstances:

• if the member resigns membership by notice in writing to the committee;
if the member is absent for more than three (3) consecutive meetings without prior leave of absence or an apology being accepted by the committee, subject to confirmation by the elected Council of the resignation;
• if the member ceases to be a member of the organisation which he/she represents;
• upon the death of the member;
• if the member becomes a mentally incapacitated person; and
• if a member is found to be in breach of the Code of Conduct.

Council shall advertise for nominations for vacancies, unless otherwise decided by Council.

2.5 CHAIRPERSON

There are two formal positions on Reference Committees – Chairperson and Deputy Chairperson. These roles are resolved by Council.

The Chairperson is usually the spokesperson for the committee and therefore needs to be certain that the committee is running smoothly and achieving its aims and objectives.

If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

If the appointed Chairperson and all Councillors are absent at the time designated for the meeting, the relevant council officer shall undertake the role of Chairperson for that meeting.

2.5.1 RESPONSIBILITIES OF THE CHAIRPERSON

The Chairperson generally has the following specific duties, which make up the major part of their responsibility:

(i) Before a meeting:
prepares the agenda in consultation with the relevant director or manager, setting out the terms of business to be considered; and
ensures the meeting is properly convened in accordance with the organisation’s rules, such as proper notice of a meeting is given and that a quorum is present.

(ii) During the meeting:
chairs all meetings, opens meeting, welcomes and introduces members and guests;
keeps individuals and the meeting focused on the topics being discussed and encourages all members to participate, ensuring adequate opportunity is given to members who wish to speak;
ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates this to someone);
makes sure members are aware of decisions being made and that the note taker has recorded decisions of the meeting;
acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders – that is method of conducting meetings;
ensures all statutory regulations and organisation’s rules (such as code of conduct) are observed; and
loses meeting after business at hand has been properly concluded.
(iii) Other responsibilities:
be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council;
approve the notes of the meeting prior to them being reported to Council (refer to section 3.4);
advise and report to Council on the ongoing suitability of current and potential members; and
speak on behalf of the committee where appropriate.
SECTION 3: MEETING PROCEDURES FOR REFERENCE COMMITTEES

Meetings are to be conducted to standard guidelines as detailed in this section.

3.1 STARTING TIME FOR MEETINGS

Meetings are to commence at the time designated for the meeting. If the meeting has not commenced within 15 minutes of the designated time it must be cancelled.

3.2 AGENDA

The agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the agenda should be distributed electronically to all the committee members at least seven (7) days before the commencement of the meeting.

Each item of business to discuss at the meeting needs to be put on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under ‘Business arising from previous meeting’.

If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

Agenda for meetings shall be made publicly available on Council’s website not less than three (3) working days before the meeting.

3.3 CONDUCT OF BUSINESS

Each item of business is discussed in the order in which it appears on the agenda. Adequate time is to be allowed for discussion on important issues.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda to all members and Councillors with the approval of the Chairperson.

3.4 NOTES OF MEETINGS

Notes of the meeting will be taken that reflect the discussion and any voting on matters. These are not minutes and therefore do not require acceptance at the following meeting.

The appointed Director must ensure accurate notes of the meeting are maintained.

The correctness of the draft notes of the preceding meeting are to be circulated electronically to all members within seven (7) working days of the meeting. Any amendments to the notes must be circulated to all members. After seven (7) days, the appointed director shall finalise the notes and refer them to the chairperson for approval within five (5) working days. The Chairperson shall have three (3) working days to approve the notes.

Notes will be prepared in a report for consideration by Council within six (6) weeks of the meeting. These shall include officers’ comments including, though not limited to, impact on budget, policy or current program delivery.

Notes and the accompanying business paper will be made available to the public in line with the ordinary process for Council business.
3.5 VOTING

Voting can be used as a mechanism through which members can express their agreement or disagreement on an item. The Chairperson or two (2) or more members can determine what matters require voting. Voting can be conducted in two ways, verbally or by show of hands (or in special circumstances in another appropriate way as agreed by the committee members). For a vote to be carried it is necessary that a majority of participants vote for that matter. If a vote is tied, the chairperson shall have the casting vote.

A member who is present but who abstains from voting on a motion is counted as having voted against the motion. Members who are not present may not vote by proxy or any other means.

3.6 GENERAL MANAGER AND STAFF ATTENDANCE AT MEETINGS

The General Manager is entitled to attend committee meetings. The General Manager shall ensure that appropriate staff attend the meetings.

The role of staff attending will be to offer advice and to answer questions within their individual fields of expertise and experience. Council staff are not permitted to vote. Representatives from State and Federal agencies (if the committee has members representing these agencies) are permitted to vote unless otherwise determined by the Chairperson.

3.7 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

Members of the public who are not members of a Reference Committee are entitled to attend committee meetings as observers.

Such persons are not entitled to:
- move or second a motion at the meeting;
- vote at the meeting;
- address the meeting unless otherwise determined by the Chairperson. Such addresses are to be limited to a maximum of three (3) minutes unless otherwise agreed to by the majority of member; and
- table documents to the meeting.

3.8 DURATION OF MEETINGS

Committee meetings shall close at the scheduled finish time, however a motion to extend the meeting for up to an extra 30 minutes may be considered. Matters listed on the agenda and not dealt with by the conclusion of the meeting should be carried forward to the next meeting of the committee.

3.9 SUB COMMITTEES

The committee may appoint working groups to report back to the committee. These ‘sub-committees’ have no formal standing and must recommend back to the committee for its determination and/ or ratification.

Members of sub-committees must be duly appointed members of the Reference Committee unless otherwise determined by Council.
SECTION 4: MISCELLANEOUS ISSUES

4.1 INSURANCE ISSUES

4.1.1 Public Liability

The Committee members are covered by the public liability policy of Council (currently $50 million). This insurance does not preclude the committee from due diligence and all Council policies must be adhered to.

4.1.2 Personal Accident

Committee members are covered when injured whilst undertaking actions authorised by Council relating to their role in the committee.

4.1.3 Motor Vehicle

In the event that a committee member utilises a Council vehicle, the motor vehicle policy of Council will provide cover.

4.2 LEGAL ISSUES

From a legal perspective it is important for committees of Council to be aware of their relationship with Council. Legally, the committee is ‘Council’ and any action undertaken by the committee is Council’s responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council has resolved to constitute the Reference Committee and Council can dissolve the committee at any time, if deemed necessary.

4.3 PECUNIARY INTEREST

Pecuniary interest may be defined as an interest that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the committee person.

Section 446 of the Local Government Act 1993 states that:

"a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests."

Even though the Local Government Act 1993 provides an exemption to disclose pecuniary interests for Reference Committees, Council’s preference is for all members to declare pecuniary interests where applicable.

Disclosure of Pecuniary Interests

The procedure to be followed in the disclosure of pecuniary interests is as follows:

(a) If:

(i) a Reference Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or

(ii) the interest appears to raise a conflict with the proper performance of the member’s duties in relation to the consideration of the matter,
the member must, as soon as possible after the relevant facts have come to the member’s knowledge, discloses the nature of the interest at the meeting.

(b) The Reference Committee must ensure that the particulars of any disclosure made under this clause are recorded in the minute book kept for the purpose.

(c) After a member of a Reference Committee has disclosed the nature of an interest in any matter, the member can:

(i) be present during any deliberation of the committee with respect to the matter; or

(ii) take part in the determination of any recommendation of the committee with respect to that matter.

4.4 INDUCTION

All representatives will be required to participate in an induction process within 12 months of appointment.

4.5 CHILD PROTECTION

Child Protection Legislation may require committee members to complete and sign a Prohibited Person Declaration Form and a Working with Children Check consent form for the basis of conducting selection screening. All checks will be treated as confidential and will be kept secure.
SECTION 5: REFERENCE COMMITTEE CHARTER

5.1 HERITAGE REFERENCE COMMITTEE

The aims of this committee are to:

- provide advice to Council on heritage matters; and
- provide assistance to Council in promoting an understanding and appreciation of heritage through specific activities and events.

The objective is to conserve the identity of the Ku-ring-gai area as established by its environmental heritage, character, topography, rural environment and residential amenity. Council’s heritage program should aim to achieve, or be consistent with the following:

- to retain specific evidence of the development of the Ku-ring-gai areas;
- to further integrate heritage conservation into the planning and development control process;
- to develop conservation objectives, policy and strategies for use in environmental plans or development control plans;
- to actively seek opportunities for the enhancement and promotion of Ku-ring-gai’s heritage, eg via the publication of design guidelines, information pamphlets, community involvement and education activities, etc; and
- to allow members of the public to address the committee on heritage issues.

This is to be conducted in accordance with the conservation principles outlined in the Burra Charter and within ongoing review and development of heritage policy.

Development applications may be referred to this committee at the discretion of the Director Strategy and Environment or Director Development and Regulation.

Membership: The Committee’s membership consists of two (2) Councillors, one (1) community representative who is a resident of Ku-ring-gai and one (1) representative from each of the following organisations:

- National Trust of Australia
- Ku-ring-gai Historical Society
- Royal Australian Institute of Architects (RAIA)

Quorum: The quorum consists of a majority of the Committee members, one of whom must be a Councillor.

Delegation: No delegation. Recommendations from this Committee may be submitted to the next Ordinary Meeting of Council.

Meeting Frequency: As required, to be determined by the Chairperson.

Voting: Recommendations are made by a majority vote of Committee representatives.

If a quorum is not present within fifteen minutes after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson or those present can hold an informal meeting to discuss matters. However, any decisions made by the committee are not recognised until a meeting has ratified them where a quorum is present.
NOMINATION FORM

Ku-ring-gai Council – Heritage Reference Committee Nomination Form 2014

1. Your Name:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. Are you wishing to represent a Group or Organisation:

☐ Yes ☐ No. If yes, please advise name of Group / Organisation:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

3. Your postal address:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Postcode __________________________

4. Telephone numbers:

Home __________________________________________
Work __________________________________________
Mobile _________________________________________

5. Email address:

________________________________________________________________________

Please print clearly

6. Summarise briefly why you would like to be a member of this Committee:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
7. Please list any professional experience, academic qualifications, local knowledge and sporting or group involvement that may be relevant to this committee.

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8. Have you been a member of a previous Council Committee? If so, please list the name of Committee(s) and period of service.

_____________________________________________________________________________________________

_____________________________________________________________________________________________

_____________________________________________________________________________________________

_____________________________________________________________________________________________

9. List any additional information to support your nomination.

_____________________________________________________________________________________________

_____________________________________________________________________________________________

_____________________________________________________________________________________________

Additional Information:

In order for Council to ensure the success of these committees, it is important that members represent a broad cross-section of our community; have relevant experience and knowledge, an understanding of, and value working in a collaborative, supportive environment. This will be necessary in order to achieve agenda timeframes and outcomes. All of this will be considered when Council staff review nominations for committee membership.

Nomination forms to be returned by close of business on Friday 9 April 2014.

Addressed to:
Vanessa Duval
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073
Ku-ring-gai Heritage Reference Committee 2014

Thank you for nominating for Council’s Heritage Reference Committee.

Please read the following and sign if consent is given:

A. I consent to the personal information provided on my nomination form being used for the purposes of distributing a contact list to Councillors, staff and community members involved with Council’s Heritage Reference Committee, should my nomination be successful.

B. I am aware that membership to this committee requires my attendance at a majority of meetings to be held in 2014/2015.

C. I have read the Heritage Reference Committee Guidelines.

D. I confirm that the information given in this form is to the best of my knowledge, true and complete. I understand that any false information or deliberate omission of relevant information may lead to non-selection or termination of appointment.

Signed: ____________________________________________

Name: ________________________________________________

Date: ________________________________________________

Use and Disclosure of Information

The Privacy and Personal Information Protection Act 1998 provides for the protection of personal information and for the protection of privacy of individuals generally. In compliance with the Act, and Privacy Code of Practice for Local Government 2000, your personal information will only be used for the distribution of information between Council and the members of Council’s Reference Committees. It will not be added to other mailing lists or provided to a third party. We will not disclose your personal information without your consent.

Note: This consent form will remain with Ku-ring-gai Council for its records.